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9 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND BRANCH

14 UNITED STATES OF AMERICA,) No. CR 09-00529 SBA
15 Plaintiff,)
16 v.) STIPULATION AND
17 CARLOS WHITE,) ORDER TO CONTINUE SENTENCING
18) HEARING TO MARCH 2, 2010
19 Defendant.)
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21 The above-captioned matter is set on January 26, 2010 before this Court for the
22 entry of a guilty plea and sentencing. The United States Probation Officer has requested
23 that this Court vacate that date and set this matter for entry of guilty plea and sentencing
24 on March 2, 2010 at 10:00 a.m., because the presentence investigation report has not been
25 completed. The parties jointly request that the Court exclude time under the Speedy Trial
26 Act between the date of this stipulation and March 2, 2010. The parties stipulate that the
27 time is excludable from the time limitations of the Speedy Trial Act because the interests
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1 of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A)
2 and (B)(i). Furthermore, the proposed plea agreement is under consideration by this
3 Court, pursuant to 18 U.S.C. § 3161(h)(1)(G).

4 Such continuance is required because an accurate probation report will be required
5 in order to comply with the Court's requirements and protocol for determining whether to
6 accept an agreement entered under Rule 11(c)(1)(C). The proposed plea agreement
7 depends upon the properly-calculated criminal history score, which relies on an accurate
8 presentence report. A continuance in this matter therefore serves the interests of justice,
9 because present circumstances make proceeding with sentencing nearly impossible.

10 As such, the parties respectfully request that the time between January 26, 2010
11 and February 2, 2010 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(i).

12 DATED: January 21, 2010

Respectfully submitted,

13 JOSEPH P. RUSSONIELLO
United States Attorney

14 /s/ Christina McCall
15 CHRISTINA McCALL
16 Assistant United States Attorney

17 /s/ Jerome Matthews
18 JEROME MATTHEWS
19 Attorney for CARLOS WHITE

ORDER

20 Based on the reason provided in the stipulation of the parties above, the Court
21 hereby FINDS that in the interest of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A)
22 and (B)(i), an exclusion of time is warranted under the Speedy Trial Act. Based on these
23 findings, IT IS HEREBY ORDERED THAT the hearing is continued until March 2, 2010
24 at 10:00 a.m., and time is excluded until March 2, 2010.

25 **IT IS SO ORDERED.**

26 DATED: 1/21/10


27 SAUNDRA BROWN ARMSTRONG
United States District Judge

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